ASSEMBLY, No. 944

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT establishing a New Jersey Coordinating Council on the Decommissioning of the Nuclear Power Generating Facilities.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds that the decommissioning of a nuclear power generating facility involves significant issues of public health, safety and welfare of the residents of this State, and that there is a reasonable possibility that, within the next 10-15 years, one or more New Jersey electric generating nuclear plants may be decommissioned.

The Legislature therefore determines that there is an immediate need to establish a mechanism for monitoring and coordinating the development and implementation of decommissioning plans prepared by electric generating nuclear facilities in the State, and the several governmental agencies with regulatory responsibilities therefor, in order to assure compliance with applicable federal and State laws and policies, and that a council composed of State, county, municipal, and public utility representatives would best achieve these goals and ensure public and local government involvement in the decommissioning process.

2. a. There is established in, but not of, the Department of the Treasury, a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities. Notwithstanding its allocation within the Department of the Treasury, the council shall be independent of any supervision or control by the department, the State Treasurer, or any other departmental official. The council shall consist of 12 members, comprised as follows: the President of the New Jersey Board of Public Utilities, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission and the Director of the Division of the Ratepayer Advocate, who shall serve as ex officio members, or their designees; two members who shall be the mayors of each of the municipalities in which an electric generating nuclear facility is located, and shall serve as ex officio members; two members who shall be members of the board of chosen freeholders of each county in which an electric generating nuclear facility is located, with not more than one member to be appointed from any one county; and three members who shall represent the public utilities with electric generating nuclear facilities in the State, with not more than one member to represent any one public utility. The freeholder members shall be appointed for three year terms, except that, in the case of freeholder members first appointed, one freeholder member shall be appointed for a two-year term, and one for a three-year

term. Each freeholder member shall be appointed by the county board of chosen freeholders on which the member serves, and may serve as a member of the council as long as that person remains a member of the board of chosen freeholders. The three public utility representatives shall be appointed by the management of each respective public utility. Any freeholder member may be dismissed by the appointing authority for absence at three consecutive meetings of the council or for other good cause. Vacancies in the membership shall be filled in the same manner as the original appointment.

b. The council shall organize as soon as practicable after the appointment of its members. The President of the New Jersey Board of Public Utilities shall serve as the chairperson of the council. The council shall also appoint a secretary who need not be a member of the council. The council may meet and conduct business with a quorum of seven members except that all actions by the council shall be by affirmative vote of seven members.

3. The council shall coordinate and review the development and implementation of plans prepared by public utilities and governmental agencies for the decommissioning of electric generating nuclear facilities, and review the progress thereof to assure that the plans and plan implementation comport with applicable federal and State laws and policies. The council shall review plans, studies, schedules or work relating to:

a. Estimates of the service life and the schedule for decommissioning of the facility;

b. The physical decommissioning of the facility, including the methods proposed for dismantling, decontaminating, sealing or otherwise securing the facility and the site on which the facility is located, and the proposed schedule therefor;

c. The estimated total costs of decommissioning, and the financial plan for funding those costs;

d. An evaluation of the possible environmental impacts of the decommissioning, and identification of any protective or abatement measures that may be required on or off the site of the facility;

e. The storage or transportation of radioactive materials or wastes from the facility;

f. Safety and security measures to be taken during a decommissioning;

g. Sources and costs of replacement power required to meet service area demands as a result of a decommissioning;

h. Any other matter affecting public health, safety and welfare.

As used in this act, "decommissioning" means any activities necessary for the retirement or closing and removal of an electric generating nuclear facility to ensure that the facility, the site of the facility, and any radioactive materials at the facility or site are secured, removed, or disposed of in accordance with applicable

State and federal laws. Decommissioning shall include activities undertaken to prepare an electric generating nuclear facility plan for retirement or closing, as well as to monitor and maintain the site after closing, and to dispose of any radioactive materials or wastes.

4. The council also shall serve as a central clearing house of information on decommissioning for local, county and State governments and the public, and, to the extent practicable, shall assist local public and private entities in developing plans to lessen any possible adverse effects of the decommissioning on the social and economic life, including on the local tax rates and public services, of a host and neighboring communities, or a host county.

5. The council shall be entitled, after providing written notice to the appropriate official at any electric generating nuclear facility in this State of its intention, to inspect the facility and site, in order to assess decommissioning plans and the progress of decommissioning work.

6. The council shall be entitled to call to its assistance and avail itself of the services of such officials and employees of the State and its political subdivisions, or agencies or other instrumentalities thereof, as it may require and may be available to the council. The council may, to the extent that monies are available therefor, employ such professional, stenographic and clerical assistance, and incur such travelling and other miscellaneous expenses as it may be deem necessary.

7. a. Within 270 days following the organizational meeting of the council, the council shall submit a report to the Governor and the Legislature outlining the current status of any plans or proposals for decommissioning electric generating nuclear facilities, and applicable State and federal laws regulating the decommissioning of nuclear facilities, and describing how they are being implemented. The report may contain legislative or administrative recommendations deemed necessary or useful to safeguard the public health, safety and welfare of the residents of the State, and to assure the expeditious and safe decommissioning of nuclear facilities.

b. Within 18 months of the organizational meeting of the council, and at least annually thereafter, the council shall file with the Governor and the Legislature a progress report on decommissioning plans or activities in the State, which may contain any legislative or administrative recommendations that the council may deem necessary or useful.

8. This act shall take effect immediately.

STATEMENT

This bill would establish a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities. The council is charged with coordinating and reviewing the development and implementation of plans prepared by public utilities and governmental agencies for the decommissioning of electric generating nuclear facilities in order to assure that the plans and plan implementation comport with applicable federal and State laws and policies. It is the intent that this legislation will result in the coordination of the development of the various public and private decommissioning plans by creating a single entity consisting of the relevant interests. This legislation is also intended to promote local government involvement and understanding of the process and problems involving decommissioning a nuclear generating plant and the steps being taken to address those problems.

The council shall be comprised of 12 members as follows: the President of the New Jersey Board of Public Utilities, the Commissioners of Environmental Protection and Community Affairs, and the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission and the Director of the Division of the Ratepayer Advocate; the two mayors of the municipalities in which the nuclear facilities are located (Lower Alloways Township and Lacey Township); two freeholders from the counties in which the nuclear facilities are located (Ocean and Salem counties); and one representative each from the three public utilities with nuclear facilities in the State (Jersey Central Power and Light, Public Service Electric and Gas, and Atlantic Electric). The freeholders shall be appointed by their respective county boards of chosen freeholders for three-year terms. The utility representatives shall be appointed by the management of each public utility. Vacancies on the council shall be filled in the same manner as the original appointment.

The council shall review plans, studies, or schedules relating to:

(1) the useful life of each facility;

(2) the physical decommissioning of a facility;

(3) the estimated costs of decommissioning and the financial plan for funding those costs;

(4) any environmental impacts of the decommissioning;

(5) the storage, transportation and disposal of radioactive materials or wastes from the facility;

(6) the safety and security measures to be taken during decommissioning;

(7) sources and costs of replacement power required to meet service area demands associated with the decommissioning; or

(8) any other matter affecting public health, safety and welfare.

The council shall also serve as a clearinghouse for public

information concerning the decommissioning of nuclear facilities, and, whenever practicable, shall assist public entities and private groups in developing plans to ameliorate any adverse impacts from the decommissioning on a host municipality or neighboring municipalities.

The bill authorizes the council, after affording written notice, to inspect any nuclear power facility for the purpose of assessing decommission plans, and the progress of decommission work.

The council is authorized to avail itself of the services of State and local officers and employees, as it may require and as may be made available to it. The bill authorizes the council to employ professional, stenographic, or clerical staff and to incur expenses to the extent that monies are available therefor. However, no additional fees or assessments shall be imposed upon public utilities to fund the council's activities.

Within 270 days of the organizational meeting of the council, it shall submit a report to the Governor and the Legislature detailing the current status of decommissioning plans or proposals, and applicable federal and State laws regulating decommission, and describing how they are being implemented. The council shall also make annual progress reports to the Governor and the Legislature. The council may include in its reports such legislative or administrative recommendations as the council deems necessary or useful.